



OFFICE OF THE MAYOR
CITY OF HAMILTON

October 15, 2019

Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M5G 2E5

Dear Honourable Steve Clark:

City Council, at its meeting held on October 9, 2019, approved Item 8 of Planning Committee Report 19-015 which reads as follows:

8. Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)

- (a) That the City of Hamilton supports the Province's general directions of the Provincial Policy Statement (PPS) to promote efficient use and management of infrastructure, transit-supportive development with a range of housing options, a strong economy, and protection of agricultural lands.
- (b) That the City of Hamilton does not support the proposed policy direction which emphasizes the provision of a market-based supply of housing (policies 1.1.1, 1.4.3, 1.7.1), and further, connects the justification for a settlement area boundary expansion to the satisfaction of market demand (policy 1.1.3.8).
- (c) That the City of Hamilton does not support the following proposed changes, additions and deletions to the PPS:
 - (i) Revised policies 1.1.3.6 (built form), 11.3.7 (phasing) and 1.6.7.2 (transportation infrastructure) which change the policy direction from "shall" to "should". The previous wording should be maintained;
 - (ii) Proposed policy 1.3.2.5 allowing employment land conversions to occur in advance of the Municipal Comprehensive Review, which should be removed;

- (iii) Revised policy 1.6.6.3 which identifies private communal water and sewage services to be the preferred form of servicing where municipal services are not available, which is contrary to the Rural Hamilton Official Plan. This revision should be removed;
 - (iv) Deletion of policy 1.6.7.5 which requires that transportation and land use considerations should be developed at all stages of the planning process. This policy should be maintained;
 - (v) Deletion of existing policy 2.3.6.1.b) 2) which requires that Minimum Distance Separation (MDS) formulae be applied when non-agricultural uses (excluding residential) locate in prime agricultural areas, which is intended to provide protection to the agricultural community when a new sensitive land use is introduced. This policy should be maintained;
 - (vi) Revised policy 2.5.2.2 which would allow mineral aggregate extraction to take place in certain natural heritage features where not previously permitted. This revision should be removed;
 - (vii) Proposed policy 4.7 which requires planning authorities to expedite certain priority planning applications. This policy should be removed;
 - (viii) Deletion of existing policy 4.9 (monitoring of Official Plan policies) which recognized that the policies of the PPS represented minimum standards. This policy should remain in the Implementation section; and,
 - (ix) Revised definition of Heritage Attributes which is ambiguous in relation to the wording “must be retained”. This revision should be removed.
- (d) That the City of Hamilton requires clarification and / or additional information to implement the following proposed revisions which should be provided to municipalities prior to finalizing the revised PPS:
- (i) If revised policies 1.1.1, 1.4.3, 1.7.1 and 1.1.3.8 are maintained, the Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology.
 - (ii) Clarification on the expectations surrounding revised servicing policy 1.6.6.4 which would require municipalities to review long term impacts

of individual private services at the time of the Official Plan review, which would require significant resources for municipalities in terms of time and finances. This should not be required as part of the Official Plan review;

- (iii) Additional information on the role of the Special Advisor on Flooding (Section 3), including what role municipalities and conservation authorities can play in the review;
 - (iv) Information on the expectations surrounding reporting requirements and data standards in relation to proposed policy 4.9; and,
 - (v) Additional information on the implementation of the revised definition of “Conserved” and the impact on a municipality’s ability to formally protect heritage resources over the long term in the absence of the requirement to be retained under the *Ontario Heritage Act*.
- (e) That the City of Hamilton provides the following suggestions / revisions regarding the proposed policies:
- (i) Additional wording should be added to Part IV: Vision for Ontario’s Land Use Planning System and Section 1: Managing and Directing Land Use to recognize the reality of climate change and the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions, including land use planning, energy conservation and planning, sustainable design, servicing, protection of natural features and water systems, transportation considerations, protection of agricultural land, incentives, and other methods;
 - (ii) The following proposed / revised policies, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change: 1.1.1(i); 1.1.3.2(d); 1.6.1, 1.6.6.1 (b); 1.6.6.7(c); 1.8.1; 2.2.1(c); and, 3.1.3;
 - (iii) The proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a “significant” supply and should be amended to remove this reference from the policy;
 - (iv) The proposed new policy 2.1.10 regarding the management of wetlands should be amended to provide clarity on the meaning of the word “manage”, either within the policy or through a new definition;
 - (v) If revised policy 2.5.2.2 is maintained, the policy should be amended to remove the reliance on long-term rehabilitation of a natural heritage feature as justification for removal of that feature through

mineral aggregate extraction. Consideration of extraction in a natural heritage feature should instead be based on the ecological value and significance of that feature. If this suggested change is not taken, clarification on how “long-term” rehabilitation is defined is required;

- (vi) If the amendment to the definition of Heritage Attributes is maintained, the wording should be revised to reduce ambiguity, by including wording that explains the purpose for why a feature or element “must be retained” (i.e. must be retained to inform the heritage value of the protected heritage property, etc);
 - (vii) The new definition of Impacts of a Changing Climate should be revised to remove the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring; and,
 - (viii) The proposed revision to the definition of Significant should be amended to reduce ambiguity, including the replacement of the word “processes” with “criteria”.
- (f) That the City of Hamilton suggests that guidance documents be developed / updated by the Province to assist municipalities in implementing the following new policy directions:
- (i) Guidance on the type, level and expectations of engagement that should be undertaken for a municipality to ensure that it has satisfied the requirements of policies 1.2.2 and 2.6.5 regarding consultation with Indigenous Communities;
 - (ii) Updated Ministry of Environment, Conservation and Parks (MECP) Guidelines D-1 and D-6 to address issues related to land use compatibility between major facilities and sensitive land uses, in accordance with proposed policy 1.2.6.2; and,
 - (iii) Updated MECP D-5 and B-7 Guidelines regarding planning for water and sewage services and determining negative impact arising from proposed development.
- (g) That the City of Hamilton requests that the Province address the inconsistency in definitions amongst provincial planning documents, where applicable, or include a policy in the PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply.
- (h) That the City Clerk’s Office be directed to forward Report PED19188 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton’s formal comments on the Provincial Policy Statement Review.

Your consideration of Council's request is appreciated. We would ask that you reference File #C19-006 when responding to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger", with a large, stylized flourish at the end.

Fred Eisenberger
Mayor

File #C19-006